

127 APR 1982

MEMORANDUM FOR: Director of Security

FROM:

Chief, Policy Branch, PPG

SUBJECT: Draft Revision of DCID 1/19 - Vote Sheet

REFERENCES:

- A. Memo for C/SECOM from C/Compartmentation SC, dated 15 April 1982, Subject: Draft Revision of DCID 1/19
- B. Memo for Members SECOM from C/SECOM, dated 21 April 1982, same Subject, file SECOM-D-152
- C. Memo for C/SECOM from D/OS, dated 5 February 1982, Subject: Draft Revision DCID 1/19, file OS 2 0254

1. As indicated in Reference A, the Compartmentation Subcommittee, SECOM, on 7 and 9 April 1982 reduced some 22 outstanding issues to six basic issues concerning the new DCID 1/19 which have been referred to the SECOM for resolution. Reference B furnishes a "vote sheet" on these six issues. A resolution of each of these issues will be attempted at the next SECOM meeting to be held on 19 May 1982 at 1000 hours in Room 4E-64 Headquarters.

2. Set out below are some observations for your consideration in determining the Agency vote on each of the issues:

a. Definition of "Sensitive Compartmented Information (SCI)".

The existing DCID 1/19 of 6 June 1978, and iterations of draft revisions defined "SCI" with the use of the term "compartmentation." By Reference C you suggested an alternative definition which was incorporated in the draft DCID 1/19 submitted by Reference A. The Navy demurrer side-steps a longstanding issue of ultimate authority over Navy special compartmented operational programs. It should not mar a definition of SCI that defines the term. It is suggested that the definition of SCI be changed as drafted.

b. The Non-disclosure Agreement (NdA) "retro-fit" requirement.

On 2 October 1981 you decided against a "retrofit" by CIA since [] Agency staff employees were covered by the Snepp decision and some [] contractor employees as well as 2,000 non-NFIB customers, many of whom are Cabinet-level officers or Presidential appointees, would place a heavy administrative burden on SSC. The DCI, moreover, in an earlier memorandum of 28 September 1981 to the National Foreign Intelligence Board (NFIB) on the subject of NdA's, stated that Form 4193 "may" be used by the Community to satisfy the requirement for a NdA for SCI access. Senior Intelligence Officers were "encouraged" to include a prepublication review requirement in any alternative form of NdA used. The only thing mandated by the DCI was that they "should use the same form for all SCI accesses they grant." The DCI did not mandate a "retrofit." The penultimate sentence of Paragraph 5 on page 3 of Reference A should be amended by substituting the word "encouraged" for "mandatory." As it stands, the Compartmentation Subcommittee has exceeded its authority in mandating the use of a "prepublication review provision" which in effect mandates a "retrofit." The use of the term "encouraged" for "mandatory" permits prospective implementation which is what DoD intends doing. Mr. Maynard Anderson stated at the last SECOM Meeting that DoD would "retrofit" on an "opportunity basis."

c. "Proximity" access.

The Agency position at the Compartmentation SC level has been that either the DCID 1/19 or the NSA amendments are acceptable. The NSA concern is to protect the NSA Secure Telephone System by specifying the need for SI access rather than PROXIMITY to use this Secure Telephone System. It is suggested that the language of the draft DCID 1/19 be adopted. NSA's concern should be handled by NSA in a different arena.

d. Basic SCI Accountability Requirements.

As a minimum the CIA member to the Compartmentation SC has held to accountability for the life of an SCI-controlled document plus six months. The present lack of accountability has frustrated any reasonable attempt to pursue document trails during

investigations into unauthorized disclosures of SCI. As written, the wording is window-dressing for what in effect is no system of accountability. The DoD pleads an inability to comply because of excessive administrative costs. In lieu of the Agency's position, it is suggested that Paragraph 29a.(1) on page 13 of Reference A be amended by deleting in the first sentence the words "for at least 6 months after the receipt of the material" and substituting the words "to assure that appropriate support can be given any investigative effort into establishing whether an SCI document has been the subject of unauthorized disclosure." Admittedly, this will not assure a system of accountability, but it will place on the SOIC the responsibility for accounting for SCI documents under his control in some manner to assure that their contents have not been disclosed to unauthorized persons.

e. Legislative Branch Access.

NSA is the only Agency having "undefined" difficulty with this issue. Paragraphs 37-41 of Reference A codify extant procedures into a statement of policy. Paragraph 37d provides for the resolution of special issues. It is suggested that the language proposed in DCID 1/19 be adopted. Further, demurrer by NSA is not foreclosed, but NSA must then bear the burden of such action.

f. Use of the terms "SOIC" and "SIO".

NSA is the only Agency having difficulty with these terms. The terms "SOIC" and "SIO" are defined in Paragraphs 1g and h of Reference A. It is suggested that these definitions and use in the draft DCID 1/19 be accepted. As a fallback the definition of SIO in Paragraph 1g could be dropped. Paragraph 20 on page 8 should then be amended by deleting the words "by their SIO's" at the end of the fifth sentence and substituting the words "to them." Similarly, in Paragraph 49 on page 22, the first sentence, delete the words "and SIO's."

cc: C/SSC/OS

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